REMARKS

Claims 18-30 are pending. By this Amendment, claim 18 is amended is amended for clarity. The amendment is supported by the specification, for example, at page 18, lines 1-2. Applicants amend claim 18 for clarity, although this feature is implicit from the disclosure. Applicants do not intend to narrow the claim by this amendment. No new matter is introduced.

All of the pending claims stand rejected. Applicants respectfully request reconsiderations based on the following comments.

Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 18-21, 23-28 and 30 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants incorporate by reference their arguments from the response dated September 22, 2003. Here, Applicants focus on the reply from the Examiner in the Office Action of December 3, 2003. Applicants maintain that the Examiner has failed to establish prima facie lack of written description. Applicants respectfully request reconsideration of the rejection based on the following comments.

To rebut the analogy with In re Wertheim, the Examiner stated that "varying different average particle sizes in a collection of particles as in the case at hand is not as simple as arbitrarily choosing the range of solid content in a composition where it involves only weighing the content of the components in the composition." With all due respect, the Examiner seem to be arguing something about enablement, not written description. The claims as filed certainly covered an average particle size of 150 nm. Specifically, the claims as filed covered average particle sizes less than a micron, being nanoparticles as specified by the specification. **The Examiner admits that the specification supports an average particle size in the range**

of no more than 500 nm. Thus, the specification certainly teaches the production of particles with an average diameter of 150 nm. If the specification teaches the production of particles with an average particle size of 150 nm, Applicants do not see any basis for an assertion that the specification does not convey to a person of ordinary skill in the art that the Applicants' possessed an average particle size of 150 nm. If 150 nm is possessed as part of the range of average particles sizes of no more than 500 nm, Applicants similarly possessed 150 nm as a part of the range of average particle sizes of no more than 150 nm.

With all due respect, the Examiner seems to be confusing average particle sizes with particle sizes within a collection of particles. One does not obtain a particle collection maximum average particle sizes **from** a collection of particles having 50 nm as the upper particle size. It is not clear where the Examiner obtained this idea. The particle collections are each synthesized with a desired average particle size based on the teachings of the specification. Possession of the claimed particle collections are clear.

The Examiner has failed to establish prima facie lack of written description. The analogy with In re Wirtheim is controlling. Applicants respectfully request withdrawal of the rejection of claims 18-21, 23-28 and 30 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Rejection Over Wiederhoft et al.

The Examiner rejected claims 22 and 29 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,840,111 to Wiederhoft et al. (the Wiederhoft patent). The Examiner has not bothered to reject claims 18-21, 23-28 and 30 based on the prior art. However, this is directly contrary to the MPEP 707.07(g) Piecemeal Examination. Applicants' respectfully

request clarification of the status of the remaining claims over the cited art. Since the claims have not been fully examined, a final rejection seems inappropriate. With respect to the substance of the rejection, Applicants maintain that the Wiederhoft patent does not prima facie anticipate Applicants' claimed invention. Applicants incorporate by reference their arguments of the September 22, 2003 Response and the February 17, 2003 Response. Applicants respectfully request reconsideration of the rejection based on the following comments.

With respect to the Examiner's assertion that Applicants' claims are not directed to unagglomerated particles, Applicants have amended the claims to clarify this issue.

Applicants again note that the Wiederhoft patent does not teach how to form different forms of titanium dioxide. Specifically, one processing approach is described. The Wiederhoft patent does not teach how to select between amorphous, anatase and rutile forms of titanium dioxide. The Wiederhoft patent does not seem to claim rutile titanium dioxide, so enablement was not evaluated with respect to this feature for the Wiederhoft patent. The Examiner has not indicated how to fill this void in the disclosure of the Wiederhoft patent.

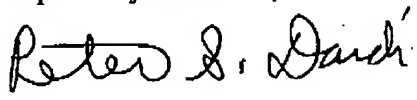
Furthermore, with respect to the Wiederhoft patent, Applicants' note that the description in the Wiederhoft patent of "monodisperse" and "nanodisperse" are qualitative descriptions that do not mean much of significance. Applicants maintain that the Wiederhoft patent does not disclose rutile titanium oxides particles with an average particle size less than 150 nm because the Wiederhoft patent generally only discloses aqueous sols, and the products that result from drying the sols are agglomerated masses. Applicants presented evidence with respect to EP 444,798A, which has not been refutted by the Examiner. Therefore, the Wiederhoft patent does not prima facie anticipate Applicants' claimed invention. Applicants respectfully request withdrawal of the rejection of claims 22 and 29 under 35 U.S.C. § 102(b) as being anticipated by the Wiederhoft patent.

CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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